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Practitioner's Docket No.: 791\_056 DIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Hiroshi NEMOTO, Michio TAKAHASHI and Kenshin KITO

Ser. No.: 10/071,664

Group Art Unit: Not Assigned

Filed: February 8, 2002

Examiner: Not Assigned

For: LITHIUM SECONDARY BATTERY

Assistant Commissioner for Patents  
Washington, DC 20231

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 addressed to the Assistant Commissioner for Patents, Washington D.C. 20231 on March 13, 2002.

*Elizabeth A. VanAntwerp*  
Elizabeth A. VanAntwerp

PRELIMINARY AMENDMENT

Sir:

Prior to examination of the above-identified application on the merits, please amend the application as follows:

**In the Specification:**

Attached hereto as Appendix A, pursuant to Rule 1.121(b)(3)(ii), is a substitute specification. Attached hereto as Appendix B, pursuant to Rule 1.121(b)(3)(iii), is a marked-up version of the specification showing the changes being made thereto. Please replace the specification with the substitute specification in Appendix A. Applicants respectfully submit that the substitute specification contains no new matter.

**In the Claims:**

**Please rewrite claim 1 as follows:**

B' 1. (Amended) A lithium secondary battery comprising a positive active material including a lithium transition metal compound, said compound being represented by the formula  $\text{Li}(\text{Ni}_{x_1}\text{Ti}_{x_2})_z\text{Mn}_{2-z}\text{O}_4$  wherein  $z$  is 0.01 to 0.5,  $x_1 > 0$ ,  $x_2 > 0$ ,  $x_1 + x_2 = 1$ , and said positive active material has a spinel configuration of the cubic system.

✓  
Please cancel claims 2-10 without prejudice or disclaimer.